

First Published ( 2,000, Copies ) Feb. '51.

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Price Rs. 1/4/-

Published by

The Educational Publication officer, Bihar, Patna

Cover Printed by

M. S. Lal, at Shri Ajanta Press Ltd., Patna.

## FOREWORD

This brochure is brought out, under the authority of the Bihar Basic Education Board to serve a two fold purpose.

( i ) To give a resumé of the various steps taken by the State Government, the organisations and machineries set up, law enacted and orders issued to reach the present stage of development of a system of Basic Education in Bihar with a view to the realisation of the ideal of universal, free and compulsory education for boys and girls within the age group 6 to 14 plus years as enjoined by the Indian Republic Constitution.

( ii ) To give a clear picture of the obligations placed upon all sections of the society and the State for an early fruition of the ideal of universal education and to serve as a handbook for teachers, instructors and educational administrative officers to enable them to

fulfil their share of the duty in this great national enterprise.

It is presented to the public generally and the Seventh All India Basic Education Conference at Sevagram from the 28th February to the 5th March, 1951, under the auspices of the Hindustani Talimi Sangh, particularly, so as to have this advice and guidance in the matter of the further advancement of education.

PATNA

R. S. Upadhyay.

*February 12, 1951.*

Education

# BASIC EDUCATION IN BIHAR

## ORGANISATION AND ADMINISTRATION

### CHAPTER I

#### Bihar Basic Education Board.

**Introductory :—**When the Government of Bihar, during the first Congress Ministry, in 1938, decided to conduct in the province, an experiment in Basic Education, on a small scale, by the training of teachers in one Basic Training School and by starting and developing within a few years in a small compact area of the province a number of basic schools limited to fifty, it thought that for the proper evolution of a technique of education correlated to productive activity and physical and social

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environments, it was necessary that the teachers and the administrative officers had the close guidance and supervision of an expert body during the period of the experiment; it also thought that there should have available to it the advice of such an expert body in sanctioning the initiation of all the different programmes forming part of the experiment. Hence, in December, 1933, Government issued a Resolution appointing a small Basic Education Board with the Hon'ble the Minister for Education as Chairman and the Director of Public Instruction, Bihar, as an ex-officio member and with the Headmaster of the Training School placed incharge of the experiment as Secretary. The Board included amongst its members, Shri E. W. Aryanayakam and Shrimati Asha Devi of the Hindustani Talimi Sangh at Sevagram, Wardha and Acharya Badri Nath Verma ( the Hon'ble Minister for Education since 1946 ) a founder member of the Bihar Vidyapith at the Sadaquat Ashram, Shri Lakshmi Narayan, Secretary of the Bihar Branch of the All India



bodies, such as, district boards and municipalities. So, necessity has been felt for a further addition of members to the Bihar Basic Education Board. Hence, the Government of Bihar have constituted a fresh Bihar Basic Education Board of twenty-nine members. The resolutions of the Government are given below :  
Verbatim.

No. IIE-54/50. E. 7750.....

Government of Bihar,

Education Department,

—Patna, the 23rd November, 1950.

### RESOLUTION.

*Read;—Resolution No.2657, dated the 26th April, 1949.*

In supercession of the Basic Education Board, constituted in the Resolution noted above, the Government of Bihar are pleased to constitute a fresh 'Bihar Basic Education Board' consisting of the following 29 members :—

( a ) The present 19 members of the Basic Education Board, constituted in the Resolution

mentioned above with such changes as may be called for in the new setup of things.

( b ) Four Chairmen of District Boards appointed by rotation, one from each division.

( c ) Two Chairmen of Municipalities appointed by rotation.

( d ) One Inspector of Schools.

( e ) The Deputy Directress of Education ( Girls' Education ).

( f ) Two teachers from institutions imparting Basic or non-Basic elementary education ( viz. Basic School or Primary or Middle school) selected in such manner as the State Government may from time to time decide.

The new Board shall guide and advise all agencies for the maintenance and management of institutions for elementary education for boys and girls viz. general education upto the middle standard, without prejudice to the authority and responsibility vested in such agencies in regard to such education under the laws of the State, and will also act as a link between such



agencies and the State Government. It shall also control and manage all Government Basic institutions in the State in such manner and according to such rules and regulations as the State Government may formulate from time to time and shall be responsible to the State Government for all its actions.

The State Government shall frame detailed rules to regulate the business of this Board.

**Order :—**Ordered that the Resolution be published in the Bihar Gazette and that copies thereof may be forwarded to the Director of Public Instruction, Bihar, and Local Self Government Department for circulating among all concerned including the various District Boards.

Further ordered that Resolution No. 2034E, dated the 20th March, 1950, will be treated as cancelled.

By order of the Governor of Bihar,

Sd. J. C. Mathur,

Secretary to Government.

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No. IIE-54/50. E. 7751

Government of Bihar,  
Education Department,  
Patna, the 23rd November, 1950.

### RESOLUTION.

Read—Resolution No. IIE/54/E. 7750, dated 23-11-1950, recorded by the Government of Bihar in the Education Department.

The State Government are pleased to appoint the following members to the Bihar Basic Education Board constituted in the Resolution mentioned above:—

1. The Hon'ble Minister of Education. Chairman, Ex-officio.
2. The Director of Public Instruction, Bihar, Member, Ex-officio.
3. The Chief Engineer, Bihar, Member, Ex-officio.
4. The Director of Agriculture, Bihar, Member, Ex-officio.
5. The Director of Industries, Bihar. Do
6. The Registrar, Cooperative Societies, Bihar. Do

7. Shri E. W. Aryanayakam, Secretary,  
Hindustani Member  
Talimi Sangha, Sevagram, Wardha  
( C. P. )
8. Shrimati Asha Devi, Assistant  
Secretary, Do  
Hindustani-Talimi Sangha, Sevagram,  
Wardha ( C. P. )
9. M. Nazir Ahmad Sahib, Golakpur,  
Patna. Do
10. Professor M. Sadique, Bihar College  
of Engineering., Patna. Do
11. The Hon'ble Mr. Justice B.P. Sinha,  
Patna High Court. Do
12. Shri Lakshmi Narayan, Secretary,  
Bihar Khadi Samiti, Muzaffarpur. Do
13. The Rev. Father M. D. Moran, S.J.,  
Principal, St. X'aviers School, Patna. Do
14. Shri Chandreshwar Prasad Sinha,  
M. Sc. ( London ), P.C.D. ( Birm ),  
B. Sc. ( Patna ) Basic Training  
( Wardha ), Principal, Sorhatha  
Basic Training School. Do

15. Shri Dwarika Singh, Superintendent of Basic and Social Education, Tirhut Division. Do
16. Shrimati Priyamvada Nandkeoliar, Agent for Bihar, the Kasturba Gandhi Rashtriya Smarak Trust. Do
17. Pandit Prajapati Mishra. Member.
18. Principal of Training College for teachers to be nominated later. Do
19. Shri Ram Saran Upadhya, Special Officer, incharge of Primary and Girls' Education, Bihar. Do
20. Sri Kumar Ratneswari Nandan Prasad Sinha, Chairman, Muzaffarpur District Board. Do
21. Shri Gupteswar Pande, Chairman District Board, Sahabad. Do
22. Shri Banarsi Prasad Singh, Chairman, Monghyr District Board. Do
23. Shri S. C. Tubid, Chairman, Singhbhum District Board. Do
24. Shri Md. Abdul Quasim, Chairman, Bhagalpur Municipality Do

25. Shri Kant Kumar Lal, Chairman,  
Ranchi Municipality. Member

26 Shri Sukhdeva Thakur, officiating  
Inspector of Schools. Do.

27. Deputy Directress of Education  
(Girls' Education). Do.

28. } Two teachers of elementary schools-  
& } Basic and non-Basic

29. } to be announced later. Do.

**Order:—**Ordered that the Resolution may be published in the Bihar Gazette and a copy may be forwarded to the Director of Public Instruction, Bihar, and Local Self Government Department and all members for information.

2. The Director of Public Instruction, Bihar, is requested to contact the Associations of Primary and Middle School teachers and obtain nomination of their representatives on the Board.

3. Steps may also be taken to recognise the association of Basic School Teachers. In the meantime, the D. P. I. may recommend the

name of one Basic School Teacher for appointment to the Board.

By order of the Governor of Bihar,  
Sd. J. C. Mathur,  
Secretary to Government.

*The powers of the Bihar Basic Education Board* are, at present, as defined in Government of Bihar, Education Department, Notification dated the 21st December, 1949 (quoted below). These powers will have to be supplemented because of the new functions of the Board in relation to guiding and advising the agencies for the control and management of non-basic primary and middle schools and for acting as a link between such agencies and the Government.

Government of Bihar,  
*Education Department.*

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*Patna, the 21st December, 1949.*

In exercise of the powers conferred by clause (2 a) of sub-section (2) of section 18 of the Bihar and Orissa Primary Education Act, 1919

(B. & O. Act I of 1919), the Governor of Bihar is pleased to make the following rules regulating the exercise of powers by the Bihar Basic Education Board, namely:—

### RULES.

1. Short title and commencement. (1) These rules may be called the Bihar Basic Education Board ( Exercise of Powers and Functions ) Rules, 1949.

(2) They shall come into force at once.

2. Definitions. In these rules, unless there is anything repugnant in the subject or context:—

(a) “the Act” means the Bihar and Orissa Primary Education Act I of 1919 as amended by the Bihar Primary Education Act XVII of 1946.

(b) “the Board” means the Bihar Basic Education Board;

(c) “Chairman” means the Chirman of the Board;

(d) “Director” means the Director of Public Instruction, Bihar;





(b) To organise, inspect and control; both direct and through such agencies as the Board may think fit, basic schools established in the Province and superintend the activities of the regional basic education authorities of school committees constituted under the Act;

(c) to award Basic School Leaving Certificates to the successful pupils of basic schools;

(d) to prepare budget estimates for financing the activities of the Board and to submit the said estimates to the Director for consolidation in the department budget and submission to the Provincial Government;

(e) to initiate and give effect to such measures including measures relating to propaganda and publicity as the Board may think fit for the purpose of imparting basic education to children of 6 to 14 years of age on a universal, free and compulsory basis and to advise the Provincial Government on the general question of policy in regard to any matter connected with basic education; and

(f) to review periodically the progress of basic education and to submit report on such progress to the Provincial Government.

4. Channel of correspondence. The Board shall ordinarily correspond with the Provincial Government through the Director, but in matters requiring immediate action, the Board may correspond direct with the Provincial Government, copies of the correspondence in each case being sent to the Director simultaneously.

5 Rules for the conduct of business. (1) The Board shall ordinarily meet once in every six months, but in order to transact urgent items of business, it may meet as often as necessary. The date, time and place of meetings of the Board shall ordinarily be fixed by the Secretary in consultation with the Chairman, but if three members make a requisition in writing to the Chairman for a meeting of the Board for considering any urgent item or items of business, the Chairman shall convene a meeting within fifteen days of the receipt of

such requisition for the disposal of such item or items of business.

(2) A notice of every meeting shall be given by the Secretary to every member not later than the tenth day before the date of such meeting. The notice shall set forth clearly and fully the business to be transacted at the meeting and no business other than that so stated shall be transacted except with the permission of the Chairman or, in the absence of the Chairman, of the President elected under sub-rule (4) to preside over the meeting.

(3) One-third of the total number of members shall form a quorum.

(4) If the Chairman is unable to attend any meeting, the members present shall elect one from amongst themselves to preside.

(5) If at any meeting of the Board, a quorum is not present, the Chairman or in his absence the President elected under sub-rule (4) shall adjourn the meeting until such other day as he thinks fit.

(6) All questions duly submitted to the Board

shall be decided by a majority of votes of the members present. if the votes are equal, the Chairman or the President, as the case may be, shall have a second or casting vote.

(7) The Board shall appoint a Working Committee consisting of the Secretary and four members residing at the headquarters stations of the Board, of whom one shall be a non-official.

(8) The Working Committee shall ordinarily meet once a month. Three members of the Committee shall form a quorum.

6. Duties of Secretary. Subject to any general or special order of the Board, the functions of the Secretary shall be as follows, namely :—

- (a) to act as the Secretary to the Board and to perform all duties connected with that office;
- (b) to act as its principal executive officer and to give effect to its decisions.

By order of the Governor of Bihar,

Sd. J. C Mathur.

Secretary to Government.

Memo No. 8984 E.

Patna, the 21st December, 1949.

Copy forwarded to the Director of Public Instruction, Bihar.

Finance Department.

Accountant-General,

Bihar.

for information (and necessary action.)

2. The non-official members will draw travelling allowance at the rate admissible to Grade I officers and halting allowance at the rate of Rs. 7/- for night's halt. Official members shall draw travelling and halting allowances under the usual rules admissible in case of officers of their rank. Actual conveyance hire will be paid to local non-official members under rule 144 (ii) of the Bihar T. A. Rules.

The travelling allowance bills of non-official members and of the Secretary will be countersigned by the Director of Public Instruction.

The Secretary will countersign the travelling allowance bills of Heads of Offices and institutions under the Board.

By order of the Governor of Bihar,

Sd. J. C. Mathur.

20-12-1949

Secretary to Government.



free education had been provided in a the experimental basic schools. It was felt, however, that although as compared to the older primary schools, the number of children that joined school continued up to a higher stage in a comparatively larger percentage, the wastage involved in those leaving after attending school only for four or five years was considerable. Government, therefore, decided to amend the Bihār Primary Education Act of 1919 in such a way as to make it possible for compulsory attendance of pupils being secured by law, wherever a basic school was provided. The Bihar Basic Education Board, has, however, been alive to the conditions prevailing within the State or indeed throughout India. The majority of the guardians of the pupils of school-going age of six plus to 14 plus years of age have, owing to their economic conditions, to utilise the services of their children of such age group for contributing towards the family economy. Mere enactment of a legislation to secure attendance may not, therefore, be fully

effective in bringing to school and keeping in school children up to the age of 14 years plus. Steps are, therefore, being taken to study the family conditions of the children attending basic school, and, if it is found that the maintenance of the family, as a whole, depends upon the children of such age group contributing their mite towards the family economy, then, to think out ways and means for adding to the family income, by the basic school organising activities for its pupils and for the adult population of the community, which would add to the family income, while allowing children to continue to be in school. No appreciable success in this direction has so far been achieved, but different steps have been taken or suggested to be taken in different localities, such as, preparation of a register for having a census of the labour requirements of the village and also of the number of adults available in the village for supplying that demand, and the extent to which the labour of the children below 14 years of age is required to meet



that demand, and then to organise work throughout the year in such a way that, labour could be supplied through the of the school without the children school to earn outside. In such a system where there is any seasonal demand for labour children below 14 years of age to supplement the adult labour of the village, the school as a corporate community with its teachers and pupils would supply that demand, as a part of the educational activity of the school. Whatever payment is made may be made through the school. The children that are in need of the money immediately for the maintenance of the family would be paid the money forthwith by the school. The other pupils of the school that may not require the whole of the amount earned immediately, may have their earnings deposited into a postal savings bank account maintained for each pupil in school, and this amount may be available to him for starting in life when he leaves school after attaining the age of 14 years plus.

A copy of the enactment of the State Government is given below for the information of the general public and for the guidance of the authorities incharge of schools :

[ Bihar Act XVII of 1946 ]

THE BIHAR PRIMARY EDUCATION  
(AMENDMENT) ACT, 1946,

AN ACT

Amending the Bihar and Orissa Primary Education Act 1919.

WHEREAS it is expedient to provide for the extension of primary education in the Province of Bihar and Orissa :

AND WHEREAS the previous sanction of the Governor General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act :

AND WHEREAS it is expedient to amend the Bihar and Orissa Primary Education Act 1919, in the manner herein after appearing :

It is hereby enacted as follows :—

1. (1) This Act may be called the Bihar Primary Education (Amendment) Act, 1946.

person who is liable to maintain or has the actual custody of a child;

(5) "prescribed" means prescribed by rules made by the Provincial Government under this Act;

(6) "primary education" means such instruction in reading, writing and arithmetic and other subjects (if any) as is for the time being recognised as such by the Provincial Government and includes basic education;

(6a) "recognised basic school" means a school in which basic education is given and which is recognised as such by the Bihar Basic Education Board constituted under section 2A or by an officer of the Education Department of the Provincial Government not below the rank of a District Inspector of Schools authorised by the Bihar Basic Education Board;

(7) "recognised primary school" means a school in which primary education is given, and which is for the time being recognised by the prescribed educational authority, and, in

an area in respect of which a declaration under sub-section (4) of section 3 has been made by the Provincial Government, includes a recognised basic school;

8 "school committee" means a committee constituted under section 4 of this Act.

2(A) The provincial Government shall, by notification in the Official Gazette, constitute a Board to be known as the Bihar Basic Education Board to exercise the powers conferred by this Act and such other powers as may be prescribed, and may, by like notification vary the constitution of the said Board.

3 (1) The Local authority or the Provincial Government may, by notification, declare that from a date specified therein the primary education of children ordinarily residing in the area within its jurisdiction or in any portion of such area shall be compulsory.

(2) No such notification shall be issued by the local authority—

(o) unless the local authority has so determined by a resolution passed at a general meet-

ing specially called in this behalf and such resolution has been supported by at least two-thirds of the members present at the meeting;

(b) Unless the local authority has satisfied the Provincial Government that it is in a position to make and intends to make adequate provision in schools maintained or aided by it for primary education of all children for whom such education will become compulsory upon the issue of such notification;

(c) except with the previous sanction of the Provincial Government.

(3) Every notification under sub-section (1) shall be published in the Official Gazette and a copy thereof shall be posted at the office of the local authority and at such other places, if any, as the local authority may direct.

(4) In a notification issued under sub-section (1), the Provincial Government may declare that the primary education to be provided in the area shall be basic education, and in such a case may constitute a basic edu-

cation authority for the said area. In the said area, while such notification is in force—

(a) the powers of the local authority under this Act shall be in abeyance;

4 (1) Where a notification under section 3 has issued in respect of any area, the local authority may appoint a school committee for the said area or separate school committees for separate portions of the said area in accordance with rules prescribed.

(2) Every school committee shall be constituted in such manner and for such period, as may be prescribed.

(3) The school committee shall have to the extent prescribed the direction of education in, and the regulation of, Primary schools in the area for which it is appointed and shall also enforce the provisions of this Act respecting the attendance at school and the employment of children.

5. Where a notification under section 3 is in force in any area, the parent of every child shall, in the absence of reasonable excuse

as hereinafter provided, and if such child ordinarily resides in such area, cause such child to attend a recognized primary school in such area.

6. A parent shall be deemed to have a reasonable excuse within the meaning of section 5 for failure to cause a child to attend a recognised primary school in any of the following cases :—

(a) where the child is prevented from attending school on account of sickness, infirmity, domestic necessity, the seasonal needs of agriculture or other sufficient cause;

(b) where the child is receiving, otherwise than in a recognised primary school, instruction which in the opinion of the school committee is efficient or has already completed his primary education;

(c) where there is no recognised primary school within a distance of one mile by the nearest route from the residence of the child.

7 (1) Where the school committee is satisfied that a parent, being bound under the

provisions of section 5 to cause a child to attend a recognized primary school, has, after due warning by or at instance of the school committee, failed to do so, the school committee may apply to a Magistrate for an order directing such parent to cause such child to attend a recognized primary school and the Magistrate shall fix a day for hearing the application and cause notice thereof to be given to the parent.

(2) On the day fixed for the hearing of the application or on any subsequent day to which it may be adjourned, and after hearing the parent or at the discretion of the Magistrate any other person on his behalf, the Magistrate may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

8. (1) Any parent who fails without reasonable excuse to comply with an order under section 7 shall on conviction before a Magis-



trate be punished with a fine which may on the first conviction extend to two rupees and on a subsequent conviction to ten rupees.

(2) No court shall take cognizance of an offence under sub-section (1), except on the complaint of the school committee.

9. (1) Whoever knowingly employs, either on his own behalf or on behalf of any other person, any child to whom the provisions of section 5 apply, so as to interfere with the attendance of such child at a recognized primary school, shall, on conviction before a Magistrate, be liable to a fine which may extend to twenty-five rupees.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint of the school committee, and, before making any complaint under sub-section (1) against any person, the school committee shall, unless such person has previously been convicted under sub-section (1) in respect of the same child, cause a warning to be given to such person.

10. An application to a Magistrate under section 7 and a complaint to a Magistrate under section 8 or section 9 may be made on behalf of the school committee by such person/as may be authorised by the committee in this behalf.

11. The Provincial Government may of its own motion or on the application of the local authority by notification exempt the children of any class of persons or any community residing in the area or any specified part of the area under the control of the local authority from the operation of this Act or may direct the local authority to make such separate provision for the education of the children of such class of persons or such community as to the Provincial Government may seem fit.

12. (1) If the resources, including grants from the Provincial Government, at the disposal of the local authority, are inadequate for the provision of efficient primary education for the children residing in the area in respect of which a notification under section

3 has issued, the local authority may, by a resolution passed at a general meeting specially called in this behalf and supported by at least two-thirds of the members present at such meeting and with the sanction of the Provincial Government, impose a cess to be called education cess.

Provided that no person shall be liable to pay cess if the children of the class of persons or the community to which he belongs have been exempted under the provisions of section 11 from the operation of this Act.

(2) The proceeds of the education cess shall be applied by the local authority wholly to the provision of primary education under this Act and purposes connected therewith (including the provision of school (accommodation) in the area from which the cess is recovered, and to the expense of collecting such cess.

13. Education cess shall :—

(a) in any municipality, in Patna as defined in section 2 of the Patna Administration

Act, 1915, and in any area specified in a notification issued under sub-section (1) of section 388 of the Bihar and Orissa Municipal Act, 1922, be such percentage, not exceeding thirty-three and a third, as the local authority may fix, of the tax imposed on the owner or occupier of a holding under clause (a) or clause (b) of sub-section (1) of section 82 of the Bihar and Orissa Municipal Act, 1922, or under clause (a) of sub-section (1) of section 3 of the Patna Administration Act, 1915, or under clause (b) of section 389 of the Bihar and Orissa Municipal Act, 1922, as the case may be, and shall be recoverable in the same manner as if it were such tax;

(b) in a Union constituted under section 38 of the Bihar and Orissa Local Self Government Act of 1885, be such percentage not exceeding fifty, of the assessment imposed under section 118—C of that Act, as the local authority may fix, and shall be recoverable in the same manner as if it were such assessment;

(c) in a Union constituted under the Bihar

and Orissa Village Administration Act, 1922, be such percentage not exceeding fifty, of the tax imposed under section 46 of that Act, as the local authority may fix, and shall be recoverable in the same manner as if it were such tax.

14. (1) The parent of every child attending a recognized primary school shall be liable to pay such fees as may be fixed by the local authority :

Provided that in any area where education cess has been imposed under this Act, no fees shall be payable in respect of instruction at a recognised primary school of a child who has not been exempted from the operation of this Act.

Provided further that the Provincial Government may, by notification in the Official Gazette, direct that no fees shall be payable in respect of instruction at any recognised primary school or class of such schools specified in the notification, whether in an area where education cess has been imposed or not.

(2) In any area in which this Act is in force but no education cess has been imposed, the school committee may, upon being satisfied that the parent of a child is unable to pay the fees payable under sub-section (1), remit such fees wholly or in part during the whole or any part of the period of compulsory attendance.

15. All primary schools maintained by a local authority in any area in which this Act is in force shall be open to inspection by any officer appointed in this behalf by the Provincial Government.

16. If the Provincial Government is of opinion that a local authority has made default in any of the requirements of this Act, the Provincial Government may, by notification stating the grounds of such order, cancel any notification which has been issued under section 3, or may make such other orders as to the Provincial Government may seem fit.

17. If the local authority does not appoint a school committee under the provision of

this Act, the local authority shall itself exercise or all the powers conferred and perform all the duties imposed by or under this Act upon a school committee so appointed.

18. (1) The Provincial Government may by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may :—

(a) prescribe the educational authority referred to in section 2, sub-sections (1) and (7);

(a a) prescribe the powers of the Bihar Basic Education Board;

(b) determine generally what shall be considered to be adequate provision for primary education under section 3, sub-section 2 (b);

(c) prescribe the manner in which application shall be made for the sanction referred to in section 3, sub-section 2 (c), and the particulars to be furnished with such application;

(d) prescribe the manner in which the school committee shall be constituted, the

number of members and period of office of members of the school committee, its duties and powers in respect of the direction of education in, and the regulation of, primary schools, the manner in which it shall transact its business, its relations with the local authority and with the prescribed educational authority or the Bihar Basic Education Board, as the case may be, and the circumstances in which separate school committee may be appointed for separate portions of an area in respect of which a notification under section 3 has issued.

## STATUTORY RULES UNDER THE PRIMARY EDUCATION AMEND- MENT ACT OF 1946

The following are the amended rules framed by Government in exercise of the power conferred by section 18 of the Bihar and Orissa Primary Education (Amendment) Act, 1946 (B. & O. Act of 1919 as amended by the Act XVII of 1946)

1. In the said rules :—



(a) The instruction recognized by the Provincial Government as primary education is that prescribed for the time being in the syllabus for the infant class and classes 1 to V of Vernacular schools or grade I to VIII of basic schools.

(b) "primary school" includes a recognised primary Sanskrit school or a recognized primary Urdu School or a basic school.

2. The District Inspector of Schools in charge of the area concerned is prescribed as the educational authority for the purposes of sub-sections (1) and (7) of section 2 of the Act.

3. The following shall generally be considered to be adequate provision for primary education for the purposes of clause (b) of sub-section (2) of section 3 of the Act :—

(i) Provision for the accomodation in schools maintained or aided or to be provided and maintained or aided of all children who after the issue of a notification under sub-section (1) of section 3 will be liable to attend school under such notification, provided that

the schools shall be so situated that no such child shall be required to walk a distance of more than one mile to attend school.

(ii) The provision in such schools of suitable and sufficient class room accommodation.

(iii) Provision in such schools for the primary education in and through the vernacular or vernaculars ordinarily spoken in the area concerned, of the children liable to attend school as aforesaid.

(iv) The provision in each such school of trained or, subject to the approval of the District Inspector of Schools in each individual case, of untrained teachers in such numbers as will ensure that no teacher shall have to teach more than two classes at any one time.

(v) The payment of salaries to the teachers at rates not less than the minima from time to time fixed by the Provincial Government for teachers of different qualifications.

NOTE :—For the minima fixed by Government, see article 106 of Education code.

(vi) Provision for the supply of pure drinking water to the pupils of each such school.

(vii) The provision of sanitary conveniences for the children and the teachers, viz., a combined latrine and urinal for the teachers and one latrine for every 60 boys.

NOTE :—In the case of Unions or in semi-rural areas in Municipalities Government may relax the conditions imposed by rule (vii)

(viii) So far as local conditions permit, the provision of a garden for each school and of adequate playing grounds for each school or group of schools.

(ix) The provision for each school of suitable and sufficient maps, teaching appliances and furniture. Each teacher must have his own chair and table, but the pupils may be provided with mats to sit upon.

(x) The provision of arrangements to the satisfaction of the Provincial Government,

whether by the appointment of an Attendance Officer or otherwise, (a) for organising a census of the children liable to attend school, (b) for preparing and publishing on behalf of the committee or committees a register of such children for maintaining it in good order, for revising it every year and for supplying copies of it to those officers and institutions concerned (c) for seeing that the parents of such children causes them to attend a recognized primary school, (d) for noting parents failing to do so and ascertaining by personal inquiry their reasons therefore, (e) for securing that reports are made to the committee or committees fortnightly in all such cases of default, and (f) on authorization by a committee for making complaints to a Magistrate on its behalf against parents and employers under section 10 of the Act.

4. Applications by the local authority for permission to issue a notification under subsection (1) of section 3 of the Act shall be made at least three months before the date on which

the notification is to be issued and at least six months before the date from which primary education is to be made compulsory. Provided that the Provincial Government may relax this rule in special cases. The application shall enclose a copy of the resolution passed at the general meeting specially called in this behalf under clause (a) of sub-section (2) of section 3 of the Act and shall state the number of members present at the meeting and the number of votes recorded for and against the resolution. It shall be addressed to the Secretary to the Government in the Education Department through the District Officer, the Commissioner and the Director of Public Instruction, and shall be accompanied by

- (i) a copy of the proposed notification,
- (ii) a statement in duplicate showing the existing provision for primary education in the area in which it is proposed to introduce compulsory education and the additional provision proposed to be made, and

- (iii) a map in duplicate of the area con-

cerned, with the location of each of the existing and proposed schools clearly marked there on.

4A. A notification under sub-section (1) of section 3 of the Act issued by the Provincial Government shall be accompanied by :—

(i) a statement showing the existing provision for basic education in the area; and

(ii) a map of the area, with the location of the schools or each of the existing schools clearly marked there on.

5. The local authority or the basic education authority, as the case may be, may by a resolution passed at an ordinary meeting, appoint a school committee under sub-section (1) of section 4 of the Act.

6. Each such school committee shall consist of not less than five or more than seven members including a local officer of the Education Department not below the rank of a sub-inspector of Schools, who shall be nominated by the Director of Public Instruction to be an ex-officio member of each committee. Of

the ordinary members at least half shall be members of the local authority or the basic education authority, as the cases may be, while the remainder shall be residents of the locality. The appointment of ordinary members who are not also members of the local authority or the basic education authority, as the case may be, shall be subject to the approval of the District Officer. The members shall choose their own Chairman and Secretary.

7. The School committee shall be reconstituted whenever all the members of the local authority are elected or appointed afresh, as the case may be, and resume office or, in the case of a basic school committee, whenever, the basic education authority of the area concerned is re-constituted. An ordinary member may at any time be removed by the local authority or the basic education authority, as the case may be, by a resolution passed at an ordinary meeting. Any member who fails to attend six consecutive meetings shall cease ipso facto to be a member.

8. Subject to the provisions of the Act under which the local authority or the basic education authority concerned is constituted the duties and powers of a school committee shall consist :—

(i) With regard to schools under the direct management of the local authority or the basic education authority, as the case may be, in advising the authority :—

(a) as to the places where schools shall be opened.

(b) as to the need for transferring or closing existing schools.

(c) as to fixing the class and standard of instruction to be given in each school, the selection to be made from classes and standards recognized by the Department.

(d) subject to the minima from time to time fixed by the Provincial Government for teachers of different qualifications as to the salary of the teachers in each school.

(e) as to the scale of fees to be paid by the children under instruction in areas where no



education cess has been imposed or where no notification has been issued, under the second proviso to sub-section (i) of section 14 of the Act.

(ii) with regard to primary schools managed by private persons or associations, in advising the local authority or the basic education authority, as the case may be, as to the grants or stipends (if any) to be made or given to such schools;

(iii) with regard to all schools maintained, aided or given stipends under clauses (i) and (ii) above, in fixing, subject to the approval of the District Inspector in charge of the area concerned, the days on which instruction shall be given and the time or times on each day at which it shall be given;

(iv) in deciding whether or not a child who is being taught otherwise than in a recognized primary school shall be deemed to be receiving efficient instruction.

(v) in applying to a Magistrate under sub-section (1) of section 7 of the Act for an order

